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SUBJECT: SERBIA STILL NOT COOPERATING FULLY WITH EULEX

REF: 08 STATE 126562; 09 PRISTINA 447; 09 USEU 1614; 09 PRISTINA 256
PRISTINA 12; 09 BELGRADE 697

Summary

¶1. (SBU) More than a year after the initial deployment of the EU Rule of Law Mission to Kosovo (EULEX), Serbia has failed to fully cooperate with the Mission. While Serbia has cooperated with EULEX on police matters to a degree, its purposeful obstruction on customs and the judiciary threatens regional stabilization efforts. Serbia could jeopardize the pace of its EU integration if it continues to drag its feet on cooperation with EULEX. End Summary.

Promises to Cooperate Unfulfilled

¶2. (SBU) After intensive talks, Serbia agreed in November 2008 to the EU establishing its EULEX Mission in Kosovo, paving the way for EULEX's deployment in December 2008 and its full operational capacity in Spring 2009. While the Government of Serbia agreed to cooperate with EULEX on rule of law issues (police, customs, judiciary), it insisted that parallel progress also had to be made on six points discussions with the UN (Ref A). The United States and EU partners have never made this linkage.

Police Cooperation - Not Good Enough

¶3. (SBU) Serbian cooperation with EULEX temporarily picked up pace in June 2009 when the Government of Serbia encouraged the several hundred then-striking Serb members of the Kosovo Police to return to work. Nearly all returned to work by the end of June, helping to solidify the Kosovo Police as a multi-ethnic institution. EULEX sources in Belgrade report that the GoS only decided to permit the officers' return once it was obvious that the Kosovo Police - with the backing of EULEX - were prepared to permanently dismiss the Serb officers if they did not return to work by the end of June deadline.

¶4. (SBU) After months of discussions, the GoS and EULEX signed a police cooperation agreement in August 2009 to facilitate cross border cooperation(Ref B). Despite persistent MFA obstacles to the draft language, the agreement was ultimately signed at the strong insistence of Serbia's Deputy Prime Minister and Interior Minister Ivica Dacic. Dacic keenly understood that cooperation with EU institutions, including EULEX, was an essential requirement for Serbia to qualify for visa liberalization, which Serbia finally obtained in December 2009 (Ref C).

¶5. (SBU) Since the signing of the police agreement, implementation has been lackluster, with Serbia still unwilling to cooperate fully. EULEX sources in Belgrade inform us that the sharing of information to date has been mostly one directional, with EULEX providing weekly paper copies of information to Serbian authorities. Serbia's unwillingness to share information electronically has limited the quantity and quality of information exchanged and made it impossible to respond quickly to cross border

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incidents. While insisting that it has no objections in principle, Serbia's MFA also continues to put up technical and bureaucratic roadblocks to EULEX assuming UNMIK's seat at Interpol or responsibility for management of the Interpol office in Pristina. This delay further hinders the depth and breath of police cooperation between EULEX and the GoS.

Customs and Judicial Cooperation Stuck

¶6. (SBU) In the lead up to Kosovo's municipal elections in November 2009 and oral arguments at the ICJ in December 2009, discussions between EULEX and the GoS on customs and judicial cooperation ground to a halt due to the politically charged environment. Talks on customs were expected to restart in late December, but Serbia's MFA once again blocked them.

GoS: "Official" Meetings Still Require UN Participation

¶7. (SBU) Serbian and EULEX cooperation was further setback on December 24, 2009, when Serbia's MFA insisted that UN officials needed to be present at a previously scheduled upcoming meeting between EULEX Customs and GoS officials to discuss customs and taxation issues. As a result of this last minute MFA demand, EULEX Customs Director Paul Acda postponed his scheduled December 28 trip to Belgrade indefinitely.

¶8. (SBU) In a January 4 meeting, MFA Special Advisor Damjan Krnjevic Miskovic told us that the problem was caused because EULEX had insisted on "official meetings" with the GoS. Krnjevic said it was acceptable to have "low level technical discussions over coffee" but official meetings would require UN presence. Krnjevic and Kosovo Minister Bogdanovic insisted to us separately on January

4 that Serbia was holding to its initial November 2008 decision stating that Serbia would officially cooperate with EULEX through UNMIK. Neither Krnjevic nor Bogdanovic could give a clear answer as to how Serbia was then able to sign the Police Cooperation agreement with EULEX without an UNMIK intermediary. Krnjevic also insisted that even though Serbia had filed for EU candidacy in December 2009 and was engaging with the EU directly on multiple issues, official meetings with the EU-led EULEX Mission would still require an UNMIK intermediary.

Setting the Bar Low: No Violence Equals Cooperation

19. (SBU) Setting the bar pitifully low as to what constitutes cooperation, Krnjevic told us that Serbia was cooperating on Kosovo issues, pointing to Serbia's decision not to respond violently since Kosovo's 2008 unilateral declaration of independence as sufficient proof of Serbia's cooperation. When we noted that this was an extremely low bar for a country that had recently requested to join the EU, Krnjevic insisted Serbia should be commended for not having resorted to violence, as the region had done in past conflicts in the 1990's. He argued that the opposition in Serbia continued to push for the government to take a more confrontational line on Kosovo, but the MFA continued to promote Serbia's more moderate policy.

Comment

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110. (SBU) Thirteen months after EULEX's deployment to Kosovo, the GoS continues to insist that it is cooperating with the EU-led mission, but the persistent lack of progress on police, customs and judiciary shows otherwise. EULEX sources tell us that GoS officials in Interior, Customs, and Finance Ministries want to cooperate with EULEX but they are hesitant to do so without the clear go ahead from the MFA, which continues to block cooperation at every possible turn. What the MFA fails to realize is that their intransigence on Kosovo will inevitably have an impact on the European Union's perception of Serbia as a future partner and willingness to move forward on its membership application. End Comment.
PEDERSON